

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	<b>CR. NO.: 3:12-376 (JFA)</b>
	)	
	)	
<b>-v-</b>	)	<b>MOTION TO DELAY</b>
	)	<b>REPORTING DATE TO THE</b>
	)	<b>BUREAU OF PRISONS</b>
	)	
<b>SIDNEY L. MYERS</b>	)	

The defendant, **SIDNEY L. MYERS**, moves the court through his attorney, Assistant Federal Public Defender Katherine E. Evatt, to delay the date he is required to report to serve his sentence beyond the date for which it is now set, April 25, 2013, until after June 25, 2013. Defense counsel has communicated with Assistant United States Attorney Winston Holliday, who has no objections to the delay in the reporting date.

The defendant was sentenced on February 7, 2013 to serve 18 months in the Bureau of Prisons (BOP) and was allowed to self surrender. Although the court made a recommendation in Mr. Myers' Judgment that he be housed in a South Carolina BOP Facility, Mr. Myers was nonetheless designated to FCI Allenwood Medium, which is 665 miles from the defendant's home and well beyond the Bureau of Prison's 500 mile guideline.

Due to the distance and cost involved in the family transporting Mr. Myers, it would be an extreme hardship for them to drive him to the institution in Pennsylvania. When a defendant cannot self-report, the only other option available is for defense counsel to move

to have the defendant's bond revoked so that the defendant can be taken into custody and later transported by the U.S. Marshals. In that event, it is likely that the defendant would be housed at a local jail for sometime awaiting transport and then that transport is rarely, if ever, directly to the designated prison. The Marshals pick up other inmates in surrounding, and distant, states along the way. Due to Mr. Myers having the physical impairment of an amputated leg, such transport would be extraordinarily harsh, as he would not be able to receive adequate medical care in county jails. While incarcerated at the Lexington County Detention Center and before the secured bond was executed, Mr. Myers did not receive the proper care for his leg.

Since the reason the BOP has given for this unusual designation is a lack of South Carolina bed space at the present time, the defendant is requesting that his report date be delayed for 60 days to enable the BOP to assess his situation and re-designate him to a South Carolina institution if bed space becomes available.

For the foregoing reasons, the defendant respectfully requests that the court delay his reporting date from April 25, 2013, until after June 25, 2013.

Respectfully submitted,

s/KATHERINE E. EVATT  
Assistant Federal Public Defender  
c/o BB&T Bank Building  
1901 Assembly Street, Suite 200  
Columbia, South Carolina 29201  
Telephone: (803) 765-5078  
ATTORNEY ID# 7044  
Email address: Kathy\_Evatt@fd.org

Columbia, South Carolina

April 17, 2013